

Exhibit 63

**Excerpts of Kellie Pierce
Deposition Transcripts**

Kellie Pierce
7/24/2024

<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF NEW YORK 3 4 SECURITIES AND EXCHANGE) 5 COMMISSION,) 6) 7 Plaintiff,) 8) Civil Action No. 9 v.) 23-cv-9518-PAE 10) 11 SOLARWINDS CORP. and) 12 TIMOTHY G. BROWN,) 13) 14 Defendants.) 15 _____) 16 17 18 19 20 21 22 23 24 25</p> <p>VIDEOTAPED DEPOSITION OF KELLIE JAIE PIERCE Plano, Texas Wednesday, July 24, 2024</p> <p>Reported by April R. Brunson Texas CSR No. 7495 Job No. 240724SREP</p> <p>1</p>	<p>1 APPEARANCES: 2 3 For the Plaintiff: 4 UNITED STATES SECURITIES AND EXCHANGE COMMISSION 5 BY: MR. CHRISTOPHER J. CARNEY 6 MS. KRISTEN M. WARDEN 7 MR. CHRISTOPHER M. BRUCKMANN 8 (Via Videoconference) 9 MR. BENJAMIN BRUTLAG 10 (Via Videoconference) 11 100 F Street NE 12 Washington, D.C. 20549 13 202.551.5986 14 carneyc@sec.gov 15 wardenk@sec.gov 16 brutlagb@sec.gov 17 bruckmannnc@sec.gov 18 19 For Defendant Solarwinds Corp. and for the Witness: 20 21 LATHAM & WATKINS, L.L.P. 22 BY: MR. SERRIN TURNER 23 BY: MR. NICOLAS LUONGO 24 1271 Avenue of the Americas 25 New York, New York 10020 26 212.906.1207 27 serrin.turner@lw.com 28 nicolas.luongo@lw.com 29 - and - 30 SPENCER FANE 31 BY: MR. JAMES T. DRAKELEY 32 5700 Granite Parkway 33 Suite 650 34 Plano, Texas 75024-6622 35 972.324.0350 36 972.324.0301 (Fax) 37 jdrakeley@spencerfane.com 38 39 40 41 42 43 44 45</p> <p>3</p>
<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF NEW YORK 3 4 SECURITIES AND EXCHANGE) 5 COMMISSION,) 6) 7 Plaintiff,) 8) Civil Action No. 9 v.) 23-cv-9518-PAE 10) 11 SOLARWINDS CORP. and) 12 TIMOTHY G. BROWN,) 13) 14 Defendants.) 15 _____) 16 17 18 19 20 21 22 23 24 25</p> <p>VIDEOTAPED DEPOSITION OF KELLIE JAIE PIERCE, taken on behalf of the Plaintiff, at the Law Offices of Spencer Fane located at 5700 Granite Parkway, Suite 650, Plano, Texas, beginning at 9:30 a.m. and ending at 3:10 p.m. on Wednesday, July 24, 2024, before April R. Brunson, Certified Shorthand Reporter Number 7495.</p> <p>2</p>	<p>1 APPEARANCES (CONTINUED): 2 3 FOR THE DEFENDANT TIMOTHY G. BROWN: 4 5 KING & SPALDING, L.L.P. 6 BY: MR. ALEC KOCH 7 (Via Videoconference) 8 1700 Pennsylvania Avenue, NW 9 Suite 900 10 Washington, D.C. 20006 11 202.737.0500 12 akoch@kslaw.com 13 14 Also Present: 15 JASON BLISS, SolarWinds Corporate Representative 16 17 The Videographer: 18 JOHN HINES 19 20 Certified Shorthand Reporter: 21 APRIL R. BRUNSON, TEXAS CSR NO. 7495 22 23 24 25</p> <p>4</p>

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<p>1 EXHIBIT LIST CONTINUED</p> <p>2 EXHIBIT NO. DESCRIPTION PAGE</p> <p>3 Exhibit 6 E-mail, 9/25/2019 from Kellie 75</p> <p>4 Pierce to Keith Kuchler, et al.</p> <p>5 With attachment</p> <p>6 (SW-SEC00218068 - 218069)</p> <p>7 CONFIDENTIAL TREATMENT</p> <p>8 REQUESTED BY SOLARWINDS</p> <p>9 Exhibit 7 E-mail, 1/27/2020 from Kellie 79</p> <p>10 Pierce to Eric Quitugua, et al.</p> <p>11 With attachment</p> <p>12 (SW-SEC00061296 - 61297)</p> <p>13 CONFIDENTIAL TREATMENT</p> <p>14 REQUESTED BY SOLARWINDS</p> <p>15 Exhibit 8 E-mail, 1/23/2020 from Kellie 85</p> <p>16 Pierce to Timothy Brown, et al.</p> <p>17 With attachment</p> <p>18 (SW-SEC00149897 - 149898)</p> <p>19 CONFIDENTIAL TREATMENT</p> <p>20 REQUESTED BY SOLARWINDS</p> <p>21 Exhibit 9 E-mail series ending 9/19/2019 88</p> <p>22 Between Kellie Pierce, et al.</p> <p>23 With attachment</p> <p>24 (SW-SEC00015235 - 15237)</p> <p>25 CONFIDENTIAL TREATMENT</p> <p>REQUESTED BY SOLARWINDS</p> <p>Exhibit 10 MSP Products Security 99</p> <p>Evaluation, July 2019</p> <p>(SW-SEC00166790 - 166799)</p> <p>CONFIDENTIAL TREATMENT</p> <p>REQUESTED BY SOLARWINDS</p> <p>Exhibit 11 MSP Support Security 104</p> <p>Improvement, November 2019</p> <p>(SW-SEC00631418 - 631427)</p> <p>CONFIDENTIAL TREATMENT</p> <p>REQUESTED BY SOLARWINDS</p> <p>Exhibit 12 E-mail series ending 4/15/2020 108</p> <p>Between Kellie Pierce, et al.</p> <p>With attachment</p> <p>(SW-SEC00149537 - 19546)</p> <p>CONFIDENTIAL TREATMENT</p> <p>REQUESTED BY SOLARWINDS</p> <p>6</p>	<p>1 Plano, Texas, Wednesday, July 24, 2024</p> <p>2 9:30 a.m. - 3:10 p.m.</p> <p>3</p> <p>4 THE VIDEOGRAPHER: This is Tape 1 in</p> <p>5 the video deposition of Kellie Pierce in the matter</p> <p>6 of SEC versus SolarWinds, et al. This deposition is</p> <p>7 taking place in Plano, Texas, on Wednesday, July 24th,</p> <p>8 2024.</p> <p>9 We are now on record at 9:30 a.m.</p> <p>10 Will attorneys please introduce themselves for the</p> <p>11 record.</p> <p>12 MR. CARNEY: Good morning. This is</p> <p>13 Christopher Carney with the U.S. Securities and Exchange</p> <p>14 Commission.</p> <p>15 MS. WARDEN: Kristen Warden with the</p> <p>16 U.S. Securities and Exchange Commission.</p> <p>17 MR. TURNER: And Serrin Turner with</p> <p>18 Latham & Watkins for Ms. Pierce.</p> <p>19 MR. DRAKELEY: Jim Drakeley with Spencer</p> <p>20 Fane for Ms. Pierce.</p> <p>21 MR. LUONGO: Nicolas Luongo with Latham &</p> <p>22 Watkins for Ms. Pierce.</p> <p>23 MR. BLISS: Jason Bliss with SolarWinds.</p> <p>24 THE WITNESS: And Kellie Pierce.</p> <p>25 (Simultaneous speaking.)</p> <p>8</p>

<p>1 BY MR. CARNEY: 2 Q. And just with -- the same question with 3 respect to pen testing, can you tell me about the common 4 policies and practices you established relating to pen 5 testing? 6 A. I would coordinate with the vendors -- pen 7 test vendors, make sure we have the contract in place 8 and then work with the product teams to perform the 9 tests which was a requirement of the SOC 2s. 10 Q. And in the context of the work that you did at 11 SolarWinds, what does pen testing mean? 12 A. I don't know. 13 Q. More generally, do you know what pen testing 14 refers to? 15 A. We would -- the vendors would test -- test the 16 product. How they conducted the test or what exactly 17 they tested, I'm not -- I'm not exactly sure. I'm not a 18 technical person. 19 Q. Okay. And is "pen" short for "penetration"? 20 A. I believe, yes. 21 Q. Okay. All right. Let me ask you then about 22 the -- you mentioned security training. What -- what 23 was your involvement in establishing common policies and 24 practices related to security training? 25 A. As it relates to the SOC 2 or the ISO 27001, I</p> <p style="text-align: center;">21</p>	<p>1 offer any technical input to that program? 2 A. No. 3 Q. And how about with respect to pen testing? 4 Did you offer any technical input? 5 A. No. 6 Q. Did you have any technical responsibility for 7 network monitoring for security vulnerabilities? 8 A. No. 9 Q. All right. Putting aside the technical 10 responsibility for that, did you have any administrative 11 responsibility for network monitoring? 12 MR. TURNER: Objection to form. 13 A. No. 14 BY MR. CARNEY: 15 Q. Did you have any technical responsibility for 16 the company's password policy? 17 A. No. 18 Q. Did you have any sort of nontechnical 19 administrative responsibility for the company's password 20 policy? 21 MR. TURNER: Objection to form. 22 A. Could you repeat that? 23 BY MR. CARNEY: 24 Q. Sure. 25 I was wondering, putting aside -- you just</p> <p style="text-align: center;">23</p>
<p>1 would work with -- in order to obtain records to show 2 that people had completed their security training. 3 I also coordinated like a training 4 presentation between Tim Brown and our legal team to -- 5 for some of the training over my tenure there. 6 Q. Was this one training presentation? 7 A. Correct. 8 Q. And what was that training presentation 9 related to? 10 A. I do not remember. 11 Q. And so when you say you coordinated training 12 presentation between Tim Brown and the legal team, was 13 it a training for them or with Tim Brown and the legal 14 team reviewing the training to give to other people? 15 A. I don't remember exactly how the -- how the 16 training was rolled out or if it was rolled out. 17 Q. Okay. And I think you mentioned a minute ago 18 that -- you said something along the line -- and correct 19 me if I'm wrong -- that you don't have sort of a 20 technical background; is that right? 21 A. That's correct. 22 Q. So I'm just going to ask you some -- some 23 questions, and it might seem silly given what you just 24 said, but I just want to establish for the record. 25 With respect to security training, did you</p> <p style="text-align: center;">22</p>	<p>1 said you don't have any technical responsibility for the 2 password policy. Do you have any -- did you have any 3 nontechnical sort of administrative responsibility for 4 SolarWinds' password policy? 5 MR. TURNER: Same objection. 6 A. For the -- for the policies, my role was 7 really just to coordinate against -- with the technical 8 people, with Tim on any of the policies including the 9 password policy, just to make -- we had an annual review 10 requirement. 11 BY MR. CARNEY: 12 Q. Okay. 13 A. So it was more on the coordination. 14 Q. And you said "any of the policies." So 15 besides the password policy, what other policies are you 16 referring to? 17 A. I don't recall all of them. I just -- I know 18 the password policy. I remember the password policy 19 since we're talking about it. 20 Q. Were the IT access controls one of the 21 policies? 22 A. Yes. 23 Q. And so you would have had responsibility for 24 coordinating the review of that policy? 25 A. Correct.</p> <p style="text-align: center;">24</p>

<p>1 of the steps that I went over with SOC 2, reviewing the</p> <p>2 controls, making sure the engineers understood the</p> <p>3 controls, collecting evidence and then having that third</p> <p>4 party attest that we met those controls.</p> <p>5 But this is just the very basic, like,</p> <p>6 Level 1. It's a discussion for investment. So I</p> <p>7 actually don't know what happened after, you know, once</p> <p>8 this was submitted.</p> <p>9 Q. And you mentioned if the company had decided</p> <p>10 to move forward with the FedRAMP investment. Do you</p> <p>11 know whether the company decided to do that?</p> <p>12 A. I don't know.</p> <p>13 Q. Is that you don't know one way or the other?</p> <p>14 A. No, I don't.</p> <p>15 Q. Okay. And as I understood earlier, you had</p> <p>16 said that the FedRAMP certification was needed to sell</p> <p>17 to the federal government; is that right?</p> <p>18 A. That was --</p> <p>19 MR. TURNER: Objection to form.</p> <p>20 A. That was my understanding.</p> <p>21 BY MR. CARNEY:</p> <p>22 Q. Okay. And it's also your understanding</p> <p>23 SolarWinds did have federal government customers?</p> <p>24 MR. DRAKELEY: Object to form.</p> <p>25 A. I don't know.</p> <p style="text-align: center;">61</p>	<p>1 recall that e-mail chain?</p> <p>2 A. I do, yes.</p> <p>3 Q. Okay. So just back to Exhibit 4 for a second,</p> <p>4 when was the last time you think you saw Exhibit 4?</p> <p>5 MR. TURNER: I'll object to the extent it</p> <p>6 calls for work product, the documents shown during prep</p> <p>7 sessions.</p> <p>8 You don't have to answer.</p> <p>9 THE WITNESS: Thank you.</p> <p>10 BY MR. CARNEY:</p> <p>11 Q. All right. So focusing on Exhibit 5 for a</p> <p>12 second, is this an e-mail that you sent on August 28th,</p> <p>13 2019?</p> <p>14 A. Yes.</p> <p>15 Q. And I'm just going to ask you about some of</p> <p>16 the names up at the top that you're sending it to. So</p> <p>17 who is Keith Kuchler? And that's K-U-C-H-L-E-R.</p> <p>18 A. Keith was one of the leaders in the</p> <p>19 engineering group.</p> <p>20 Q. And what would his role have been in this</p> <p>21 FedRAMP certification assessment?</p> <p>22 A. I don't -- I don't recall.</p> <p>23 Q. Okay. And do you know Chris Day?</p> <p>24 A. I do.</p> <p>25 Q. And who is Chris Day?</p> <p style="text-align: center;">63</p>
<p>1 BY MR. CARNEY:</p> <p>2 Q. Okay. All right. And if we look at the third</p> <p>3 tab from the left, I'll just pull that up on the screen</p> <p>4 right now. It says: Moderate KP metrics.</p> <p>5 So first of all, "KP" refers to you; is</p> <p>6 that right?</p> <p>7 A. Where do you see that?</p> <p>8 Q. So that's the name of the tab.</p> <p>9 A. Oh, the tab. Yes.</p> <p>10 Q. And you don't have to cross-check all the</p> <p>11 numbers in here, but does this appear to be the same</p> <p>12 chart that you included in your e-mail?</p> <p>13 A. Yes.</p> <p>14 Q. All right. You may put that one aside,</p> <p>15 please.</p> <p>16 (Exhibit 5 was marked for identification.)</p> <p>17 BY MR. CARNEY:</p> <p>18 Q. Okay. Ms. Pierce, once again, take your time,</p> <p>19 please. I've handed you what's been marked as</p> <p>20 Exhibit 5; and for the record, it has on the first page</p> <p>21 Bates stamp of SW-SEC00045356.</p> <p>22 Do you recognize this document?</p> <p>23 A. I don't recall this specific -- this</p> <p>24 document -- or this e-mail chain.</p> <p>25 Q. Okay. But the previous one, Exhibit 4, you do</p> <p style="text-align: center;">62</p>	<p>1 A. Chris Day is currently the CIO of SolarWinds.</p> <p>2 Q. Okay. And do you know what his position was</p> <p>3 at -- at that time?</p> <p>4 A. I don't know in 2019.</p> <p>5 Q. And do you know Brad Cline?</p> <p>6 A. I do.</p> <p>7 Q. And it's C-L-I-N-E. Who was Brad Cline?</p> <p>8 A. He was on the IT team.</p> <p>9 Q. And if you look at the attached spreadsheet --</p> <p>10 and I'm going to show you the native one in a second,</p> <p>11 but does this appear to be a similar spreadsheet to the</p> <p>12 one that we just looked at in Exhibit 4?</p> <p>13 A. Yes, it looks similar.</p> <p>14 Q. Okay. And I know you said you don't recall</p> <p>15 this e-mail, but do you recall what the purpose of this</p> <p>16 August iteration of the controls baseline spreadsheet</p> <p>17 would have been?</p> <p>18 A. No, I don't remember.</p> <p>19 Q. All right. In the cover e-mail, if you look</p> <p>20 at the second paragraph starting with the words "in the</p> <p>21 attached spreadsheet," you'll see there's a reference in</p> <p>22 that paragraph to a staffing strawman. Do you see that?</p> <p>23 A. Okay. Yeah. Yes.</p> <p>24 Q. What did you mean by a "staffing strawman"?</p> <p>25 A. Normally when I use "strawman," it's a -- like</p> <p style="text-align: center;">64</p>

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<p>1 a draft that can be changed. 2 Q. Okay. And with respect to staffing, what 3 would that draft be? 4 MR. TURNER: Object to form. 5 BY MR. CARNEY: 6 Q. I'll rephrase. 7 Just in the context of staffing, what does 8 it mean for strawman? 9 A. Staffing normally refers to additional head 10 count that's needed. 11 Q. And so is the strawman in that context just 12 the draft sort of placeholder? 13 A. Correct. 14 Q. All right. I'm going to ask you now to look 15 at -- I've got it up on the screen. If you look at 16 the -- let me find it -- the moderate -- see the 17 moderate KP Metrics tab, do you see that one? 18 A. I do. Is this the -- 19 MR. TURNER: Is this the same one? I 20 don't think it is. 21 MR. CARNEY: Yeah, this is the -- 22 MR. TURNER: This doesn't match the -- 23 oh, I see. 24 MR. CARNEY: Yeah, it should be. If you 25 notice the Bates number is --</p> <p>65</p>	<p>1 because no additional programs had been added in that 2 time? 3 MR. TURNER: Object to foundation. 4 A. I'm not 100 percent sure why it stayed the 5 same. I just don't know. 6 BY MR. CARNEY: 7 Q. Fair enough. And I guess what I'm getting at, 8 do you know whether there were any efforts taken 9 following these spreadsheets to try and get the number 10 of red entries down or not? 11 MR. DRAKELEY: Object to form. 12 A. Yeah, this is a, again, just preliminary 13 assessment in order for investment, so I wouldn't -- I 14 wouldn't expect -- until -- any changes. 15 BY MR. CARNEY: 16 Q. Okay. All right. And I'm going to look at 17 the -- show you the tab on the screen, Moderate Baseline 18 Controls again. Let me see. All right. Let's see. 19 We'll go up to -- this is one we looked at 20 earlier, and that's -- do you recall looking at this one 21 earlier? It's Row 19, Entry 17: Least privilege, 22 authorize access to security functions. 23 Do you recall that one? 24 A. Yes. 25 Q. And then if we scroll all the way over, this</p> <p>67</p>
<p>1 MR. TURNER: 56 and this is two pages 2 later. 3 MR. CARNEY: Yeah. To my under -- my 4 understanding, this is the spreadsheet that's attached 5 to this e-mail. 6 MR. TURNER: Okay. 7 BY MR. CARNEY: 8 Q. So if we look at the Moderate KP Metrics tab 9 that I'm on right now. 10 A. Yes. 11 Q. And so does it -- does it appear that the 12 percent of controls -- and you can look back at your 13 e-mail -- previous e-mail in Exhibit 4 if you want, but 14 does it appear that the percent of controls and the 15 number of controls, 198 with no program in place has 16 stayed the same from the June spreadsheet we just looked 17 at? 18 A. Yes. 19 Q. Okay. And do you have an understanding as 20 to -- as to why it would stay the same? And I can 21 clarify if that helps. 22 A. If you don't mind. 23 Q. Yeah. So did it stay the same because this 24 is -- you know, no more work had been done to update the 25 spreadsheet between that time? Or did it stay the same</p> <p>66</p>	<p>1 is the one where you said we have no explicit 2 authorization policy, nor is this document that I'm 3 aware of for the company or individual products. 4 Do you remember that? 5 A. Yes. 6 Q. So this would have -- this would have stayed 7 the same between those two iterations of the 8 spreadsheet, right? 9 A. (Nods head up and down.) 10 Q. Okay. So we already talked about that one. 11 So why don't we move on to a different one. 12 So if we go down to Row 21 and it's entry 13 19, you see -- and it says -- go up a little bit. So 14 you see it says -- under Access Controls and then 15 Column E it says: Lease privilege, privileged accounts. 16 And then Column F, I'll just read the 17 first sentence. It says: The organization restricts 18 privileged accounts on the information systems to -- and 19 then it's got brackets, assignment organization defined 20 personnel or roles, end bracket. 21 First of all, do you know what that's 22 referring to there? 23 A. Controls related to access control. 24 Q. Or "restricts privileged accounts," what's a 25 privileged account?</p> <p>68</p>

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<p>1 A. I don't know.</p> <p>2 Q. And you'll see that the Column J indicates</p> <p>3 that this is -- and it falls into the process category,</p> <p>4 right?</p> <p>5 A. I see that, yes.</p> <p>6 Q. And then if we go all the way over to where</p> <p>7 your comments are, it says: KP 6/27, we have no</p> <p>8 explicit restriction policy, nor is this documented,</p> <p>9 that I am aware of, for the company or individual</p> <p>10 products.</p> <p>11 First of all, do you know what you meant</p> <p>12 by that statement?</p> <p>13 A. That I have -- I hadn't seen that language in</p> <p>14 a -- in a policy document.</p> <p>15 Q. And when you say "that language," you're</p> <p>16 referring to language that restricts privileged accounts</p> <p>17 on the information system?</p> <p>18 A. If you can scoot back over --</p> <p>19 Q. Sure.</p> <p>20 A. -- I can tell you.</p> <p>21 Q. Sure.</p> <p>22 A. Yes, that's correct.</p> <p>23 Q. Okay. And so once again, that -- that entry</p> <p>24 and the red sort of coloring of that entry would have</p> <p>25 been based on your sort of preliminary assessment?</p> <p>69</p>	<p>1 It is Row 39, Entry 37, and it's access control and</p> <p>2 Column C. Then over on Column E, it says: Access</p> <p>3 control for mobile devices.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And then if I go -- scroll all the way</p> <p>7 over to the end to where your comments are. Make sure</p> <p>8 I'm in the right -- it says: KP 6/27, the company does</p> <p>9 not have a policy on nonnetwork devices connecting to</p> <p>10 the network.</p> <p>11 Can you describe what you mean by that?</p> <p>12 A. I had not seen that language in any of the</p> <p>13 policies that I had worked with.</p> <p>14 Q. And if there had been a policy, do you think,</p> <p>15 based on your experience and knowledge at the company,</p> <p>16 you would have been aware of it?</p> <p>17 A. Not necessarily.</p> <p>18 Q. And why do you say "not necessarily"?</p> <p>19 A. There may have been policies I wasn't aware of</p> <p>20 within either the engineering teams -- you know, this is</p> <p>21 engineering focused -- or other groups that I just</p> <p>22 hadn't -- that weren't in the scope of SOC 2 or ISO</p> <p>23 27001.</p> <p>24 Q. And so did you ever -- when you marked some of</p> <p>25 these controls as not being present and you coded them</p> <p>71</p>
<p>1 A. Preliminary assessment and my best guess of --</p> <p>2 yes, my preliminary assessment and my best guess.</p> <p>3 Q. All right. And I guess the -- how would you</p> <p>4 be -- have been in a position to make a best guess or</p> <p>5 preliminary assessment? Like, what knowledge had you</p> <p>6 acquired while working at the company that would allow</p> <p>7 you to make that assessment?</p> <p>8 A. Working on SOC 2 or the ISO 27001 was what I</p> <p>9 was pulling from.</p> <p>10 Q. Okay. So you -- from that work that you just</p> <p>11 described, you became familiar with the sort of written</p> <p>12 security policies of the company?</p> <p>13 A. I was familiar and coordinated the security</p> <p>14 policies.</p> <p>15 Q. So when did -- based on that experience and</p> <p>16 knowledge, did you feel comfortable making the</p> <p>17 preliminary assessments that you were making here and</p> <p>18 coding these in the red column?</p> <p>19 MR. TURNER: Objection to form.</p> <p>20 BY MR. CARNEY:</p> <p>21 Q. Red?</p> <p>22 A. Yes, I was. Yes.</p> <p>23 Q. All right. I'm just going to do three more.</p> <p>24 That's it. Three more.</p> <p>25 If I could go down to Row 39. All right.</p> <p>70</p>	<p>1 in the red category, did you ever ask anyone to kind of</p> <p>2 give it a second look to see if they were aware of any</p> <p>3 such policies?</p> <p>4 A. Not that I recall.</p> <p>5 Q. All right. Was it part of your job duties</p> <p>6 at SolarWinds to be aware of the written security</p> <p>7 policies?</p> <p>8 MR. TURNER: Objection to form.</p> <p>9 A. Not that I recall.</p> <p>10 BY MR. CARNEY:</p> <p>11 Q. All right. So now I'm going to ask you,</p> <p>12 Ms. Pierce, to look at Row 40, Entry 38. It's under</p> <p>13 Access Control, and then it says over on Column E:</p> <p>14 Access control for mobile devices, full</p> <p>15 device/container-based encryption.</p> <p>16 Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. And over here, it says -- so first of all, you</p> <p>19 see that in Column J it says "Process," right?</p> <p>20 A. I do.</p> <p>21 Q. And then in Column S, it says: KP 6/27, the</p> <p>22 company does not have an access control for mobile</p> <p>23 devices.</p> <p>24 So first of all, what did you -- what did</p> <p>25 you mean by "the company does not have an access control</p> <p>72</p>

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<p>1 for mobile devices"?</p> <p>2 A. I had not seen any documentation around the</p> <p>3 access control for mobile devices, so that's what I</p> <p>4 meant.</p> <p>5 Q. And that -- and that was based on your sort</p> <p>6 of -- you're basing that on your own sort of personal</p> <p>7 knowledge?</p> <p>8 A. Yes.</p> <p>9 Q. And putting that aside, do you have an</p> <p>10 understanding of what an access control for mobile</p> <p>11 devices would mean?</p> <p>12 A. Just the rules around how access would be set</p> <p>13 up or maintained or used for mobile devices, is my</p> <p>14 understanding. I'm not sure how technically that would</p> <p>15 be implemented.</p> <p>16 Q. So would -- and just using this one as an</p> <p>17 example, would you have -- once you marked that red,</p> <p>18 would you have alerted anyone to the fact that, hey, we</p> <p>19 don't have a access control for mobile devices?</p> <p>20 MR. TURNER: Objection to form.</p> <p>21 A. I -- I don't recall.</p> <p>22 BY MR. CARNEY:</p> <p>23 Q. Do you have an understanding as to why it</p> <p>24 would be important to have access control for mobile</p> <p>25 devices?</p> <p>73</p>	<p>1 that policy to confirm that those controls would be met</p> <p>2 by these four products for this particular</p> <p>3 certification.</p> <p>4 Q. And so ask me if this is a fair statement --</p> <p>5 or let me know if this is a fair statement: In contrast</p> <p>6 to the ones where you said the company does not have a</p> <p>7 policy, is this one where the company had a policy but</p> <p>8 you thought it wasn't comprehensive enough?</p> <p>9 A. I would say it had a -- we had a policy, but</p> <p>10 we might need to further define based on the criteria in</p> <p>11 FedRAMP.</p> <p>12 Q. Okay. And do you have an understanding why</p> <p>13 you would have marked this one red in that case if there</p> <p>14 was a policy?</p> <p>15 A. I just -- my best guess and flagging that</p> <p>16 additional work would be needed potentially.</p> <p>17 Q. All right. I think I just -- all right. I</p> <p>18 think I just have one more of these for you.</p> <p>19 (Exhibit 6 was marked for identification.)</p> <p>20 BY MR. CARNEY:</p> <p>21 Q. Okay. Ms. Pierce, once again, take as much</p> <p>22 time as you need. But what you've been handed that's</p> <p>23 been marked as Exhibit 6 is a document with -- the first</p> <p>24 page has a Bates stamp of SW-SEC00218068, and it appears</p> <p>25 to be a September 25th, 2019 e-mail from Ms. Pierce.</p> <p>75</p>
<p>1 MR. TURNER: Objection to form.</p> <p>2 A. No, I don't know.</p> <p>3 BY MR. CARNEY:</p> <p>4 Q. All right. Just one more. I promise.</p> <p>5 A. Okay.</p> <p>6 Q. Let's go to Row 44, Entry 42. In Column C it</p> <p>7 says "Access Control." Column E, "Information Sharing."</p> <p>8 And if I scroll over, you see this one also says</p> <p>9 "Process," right?</p> <p>10 A. I do, yes.</p> <p>11 Q. And then if we look at Column S, it says:</p> <p>12 6/27 KP, authorized versus unauthorized users has not</p> <p>13 been defined and policies are not fully comprehensive to</p> <p>14 meet this control.</p> <p>15 Can you tell me what -- what you meant by</p> <p>16 that statement?</p> <p>17 A. That we would need additional definition</p> <p>18 within an existing policy if we were to move forward</p> <p>19 with this FedRAMP certification.</p> <p>20 Q. And when you say that the policies are not</p> <p>21 fully comprehensive to meet this control, what do you --</p> <p>22 what does that mean?</p> <p>23 A. The -- again, the wording in the control was</p> <p>24 not specific in our policies, so that's, you know, my</p> <p>25 opinion. We would need to look at that -- our -- at</p> <p>74</p>	<p>1 Do you recognize this document?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And what is this document?</p> <p>4 A. This is the -- like, a quantified estimate for</p> <p>5 the amount of budget we would need if we wanted to move</p> <p>6 forward with the FedRAMP certification.</p> <p>7 Q. So you're detailing how much it would cost the</p> <p>8 company to obtain the FedRAMP certification?</p> <p>9 A. Estimating for a budget request as to, you</p> <p>10 know, how -- what the initial cost would be for -- for</p> <p>11 the AppMan products.</p> <p>12 Q. And if you -- if you flip through past the</p> <p>13 budget, the spreadsheets after this, does this appear to</p> <p>14 be -- and I'll represent I think -- and I can show it to</p> <p>15 you on the screen if you want, but that some of the</p> <p>16 columns have been hidden just to make the printout</p> <p>17 easier. But does this -- this appear to be a updated</p> <p>18 version of the spreadsheets that we were just looking</p> <p>19 at?</p> <p>20 MR. DRAKELEY: Object to form.</p> <p>21 A. This appears to be the same as in Exhibit 4</p> <p>22 with just the columns hidden.</p> <p>23 BY MR. CARNEY:</p> <p>24 Q. Okay. And in your e-mail, you say that we've</p> <p>25 updated the spreadsheet with the latest figures. Do you</p> <p>76</p>

1 see that?
 2 **A.** I do.
 3 **Q.** And it says -- I'm sorry. Let me strike that.
 4 It says: Hello, guys. I've updated the
 5 spreadsheet with the latest figures.
 6 So were you -- were you the one that
 7 was making the updates to the spreadsheet that's
 8 attached?
 9 **A.** I'm not sure.
 10 **Q.** And you mention in here -- well, let me back
 11 up a sec.
 12 Would that have been something that you
 13 would have done, made updates to a spreadsheet like
 14 that?
 15 **A.** More than, you know, pulling in cost estimates
 16 or resource numbers from various team members to
 17 create -- to create the spreadsheet.
 18 **Q.** Okay. And what about the -- the -- putting
 19 aside the budget spreadsheet, the controls spreadsheet
 20 that we've looked at a few times, would you have made
 21 updates to that spreadsheet?
 22 **MR. TURNER:** Objection to form. Which
 23 spreadsheet?
 24 **MR. CARNEY:** So if you look beyond the
 25 first page --

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1 **MR. TURNER:** Oh, okay.
 2 **MR. CARNEY:** -- there is the budget. But
 3 then after that, Ms. Pierce said that this is an updated
 4 version of the previous spreadsheet we looked at in
 5 Exhibit 4 but with some of the columns hidden.
 6 **BY MR. CARNEY:**
 7 **Q.** And I'm asking whether you would have been
 8 involved in updating that spreadsheet as well?
 9 **A.** I -- the only update I see to the spreadsheet
 10 is just the columns are hidden. I don't -- I don't know
 11 if the -- if there were updates made between these two
 12 e-mails.
 13 **Q.** Okay.
 14 **A.** But I would be involved as the coordinator if
 15 I had heard -- you know, received new information or --
 16 but I don't see any changes.
 17 **Q.** Okay. And you say in your e-mail that you
 18 plan to share this with Cillian on Friday. Do you know
 19 who that is?
 20 **A.** Cillian was in the budget.
 21 **Q.** Okay. And do you know Cillian's last name?
 22 **A.** No, I'm sorry, I don't.
 23 **Q.** Okay. Do you know what Cillian's role was in
 24 the budget office?
 25 **A.** I don't remember.

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1 **Q.** All right.
 2 (Exhibit 7 was marked for identification.)
 3 **BY MR. CARNEY:**
 4 **Q.** Okay. Ms. Pierce, I've handed you what's been
 5 marked as Exhibit 7; and just for the record, this is a
 6 document Bates-stamped SW-SEC00061296. And it's a
 7 January 27th, 2020 e-mail from Ms. Pierce to
 8 Mr. Quitugua. Sorry if I'm mispronouncing that.
 9 Do you recognize this document?
 10 **A.** Yes.
 11 **Q.** And what is it?
 12 **A.** This is a security scorecard, risk scorecard.
 13 **Q.** And who is Mr. Quitugua?
 14 **A.** Eric Quitugua is -- he works in the SecOps
 15 section.
 16 **Q.** What is the SecOps section?
 17 **A.** Security operations.
 18 **Q.** And do you know what he did in that section?
 19 **A.** He was the manager of the SecOps group.
 20 **Q.** All right. And so the risk scorecard matrix
 21 that you're sending him, did you put that together, that
 22 scorecard?
 23 **MR. TURNER:** Objection to form.
 24 **A.** I don't remember how it came together exactly,
 25 but I would be, again, coordinating the PowerPoint

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1 across various people.
 2 **BY MR. CARNEY:**
 3 **Q.** All right. And with respect to the risk
 4 scorecards, though, what was your role in coordinating?
 5 **A.** Putting together the PowerPoint and
 6 circulating for input for the highlights and working
 7 with Eric or Tim or Rani on the -- on capturing the
 8 details, like a -- basically somewhat like a scribe.
 9 **Q.** And so the document that's -- that's attached,
 10 though, that's a -- does that look like a spreadsheet,
 11 though?
 12 **A.** It may have been a spreadsheet. It could have
 13 been a PowerPoint as well. I don't know.
 14 **Q.** And if you look at the -- on the front page of
 15 the e-mail, the attachment.
 16 **A.** It is Excel, okay.
 17 **Q.** Do you see that where it says --
 18 **A.** I do, yeah.
 19 **Q.** Does that indicate that it's an Excel
 20 spreadsheet?
 21 **A.** Yes, it does.
 22 **Q.** Okay. And would you have been involved in
 23 putting together this Excel spreadsheet?
 24 **A.** Yes.
 25 **Q.** And so what would have been your role in

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<p>1 putting together the Excel spreadsheet?</p> <p>2 A. Again, coordinating, inputs from Tim or Eric</p> <p>3 on what they would want to add for identify, protect,</p> <p>4 detect, and then working with them and/or Rani to</p> <p>5 score -- provide a score. So really just a coordinator</p> <p>6 and a scribe.</p> <p>7 I might have -- so for the areas of</p> <p>8 responsibility that I had, like, GDPR as an example, I</p> <p>9 would provide some metrics for the highlights that were</p> <p>10 specific to my role, so data privacy or the SOC 2</p> <p>11 audits.</p> <p>12 Q. And what -- do you know why you would have</p> <p>13 been sending this to -- sorry if I'm mispronouncing his</p> <p>14 name -- Mr. Quitugua?</p> <p>15 A. I don't recall this specific e-mail as to why.</p> <p>16 Q. And so if we go through the -- if we just walk</p> <p>17 quickly through the tabs, so the first one says</p> <p>18 "Identify." Do you know what "identify" means in this</p> <p>19 context?</p> <p>20 A. No. This is -- no, I don't know.</p> <p>21 Q. And so the tabs after that are Protect,</p> <p>22 Detect, Respond, Recover. Would you have any</p> <p>23 information about the specific technical aspects of any</p> <p>24 of those tabs?</p> <p>25 A. No.</p> <p style="text-align: center;">81</p>	<p>1 historical documents or our SharePoint.</p> <p>2 Q. And so for instance, let's just use the first</p> <p>3 box there. Identify 2017, it says 0.8.</p> <p>4 Do you know who would have given the</p> <p>5 identify category that score?</p> <p>6 A. The scores were discussed between Tim and</p> <p>7 Rani.</p> <p>8 Q. Okay. So were -- was it your understanding</p> <p>9 that Tim and Rani were responsible for coming up with</p> <p>10 the final scores?</p> <p>11 A. I don't know who was responsible for the final</p> <p>12 scores, but I -- I was in the room with Tim and Rani</p> <p>13 when we would talk through these scores. I don't know</p> <p>14 where it went from there.</p> <p>15 Q. And just for the record, we're talking about</p> <p>16 Tim Brown and Rani Johnson?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And so you don't know if either of them</p> <p>19 or both of them were the final decision-maker on the</p> <p>20 scores?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. Do you know whether they transmitted</p> <p>23 those scores to anyone above them?</p> <p>24 A. I don't know.</p> <p>25 Q. All right. Thank you.</p> <p style="text-align: center;">83</p>
<p>1 Q. And you would have obtained that information</p> <p>2 from others?</p> <p>3 A. Correct.</p> <p>4 Q. And when you're putting together a spreadsheet</p> <p>5 like this based on information you obtained from others,</p> <p>6 would you try to make it as accurate as possible?</p> <p>7 A. Yes.</p> <p>8 MR. TURNER: Object to form.</p> <p>9 A. Yes.</p> <p>10 BY MR. CARNEY:</p> <p>11 Q. All right. I'm going to put it up on your</p> <p>12 screen just because this might be a little bit easier to</p> <p>13 look at this way. But if you look at the tab all the</p> <p>14 way to the right, it says, History '17, '18, '19 is the</p> <p>15 name of the tab. What information is shown on this tab?</p> <p>16 A. The security categories and then the 2017, '18</p> <p>17 and '19 score.</p> <p>18 Q. Would you have gathered that, the historical</p> <p>19 scores that are contained in this spreadsheet?</p> <p>20 A. I don't -- I don't remember how -- how this</p> <p>21 came -- how I had this information.</p> <p>22 Q. If you wanted to obtain the scores from</p> <p>23 previous years, was there somewhere that you would go to</p> <p>24 access them?</p> <p>25 A. I would potentially just look at our</p> <p style="text-align: center;">82</p>	<p>1 MR. CARNEY: We've been going over</p> <p>2 another hour. Do you want to do the lunch break now?</p> <p>3 MR. DRAKELEY: Sure, that would be fine.</p> <p>4 MR. TURNER: Sure.</p> <p>5 THE VIDEOGRAPHER: We're off the record</p> <p>6 at 11:51 a.m.</p> <p>7 (Break was taken.)</p> <p>8 THE VIDEOGRAPHER: We're back on record</p> <p>9 at 1:16 p.m.</p> <p>10 BY MR. CARNEY:</p> <p>11 Q. Good afternoon, Ms. Pierce. If I can just --</p> <p>12 I just briefly wanted to redirect your attention to</p> <p>13 Exhibit 4 which should be in your pile over there.</p> <p>14 And I just wanted to quickly ask you --</p> <p>15 you know, I'm asking you for your -- your just own</p> <p>16 personal view or opinion. For the controls that you</p> <p>17 scored in the red category, the 198, did you have an</p> <p>18 opinion one way or the other as to whether it was a</p> <p>19 problem that that many controls had no program or</p> <p>20 practice in place?</p> <p>21 MR. TURNER: Object to form.</p> <p>22 A. No.</p> <p>23 BY MR. CARNEY:</p> <p>24 Q. You had no opinion one way or the other?</p> <p>25 A. No.</p> <p style="text-align: center;">84</p>

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<p>1 Q. Did anyone express to you an opinion about 2 whether adding 61 percent of the controls with no 3 program or practice in place was problematic? 4 A. No. 5 MR. TURNER: Object to form. 6 A. Not that I recall. 7 (Sotto voce conversation.) 8 MR. TURNER: Do you have copies? 9 THE REPORTER: It's not -- 10 MR. CARNEY: Yeah, moving on to a new 11 one. 12 MR. TURNER: Oh, is this one you already 13 provided? 14 MR. CARNEY: Yeah, we already asked. I 15 just wanted to make sure I had the right exhibit. 16 (Exhibit 8 was marked for identification.) 17 BY MR. CARNEY: 18 Q. Okay. Ms. Pierce, I've handed you what's been 19 marked as Exhibit 8; and for the record, the first Bates 20 stamp in this document is SW-SEC00149897. And this is a 21 January 23rd, 2020 e-mail from you to a number of 22 individuals. 23 Do you recognize this, this document? 24 A. I don't remember this specific e-mail. 25 Q. Okay. If you look at the subject line of this</p> <p style="text-align: center;">85</p>	<p>1 A. I don't recall. QBR stands for quarterly 2 business review, but I don't recall the security and 3 compliance QBR. 4 Q. You don't -- I'm sorry. So you don't recall 5 there being a security and compliance QBR? 6 A. I don't -- I don't remember exactly what the 7 security and compliance QBR would have covered. 8 Q. Do you remember what your role would have been 9 with respect to the security and compliance QBR? 10 A. Similar to pretty much my entire role at 11 SolarWinds. It would have been a coordination role. 12 But I just don't remember that, what that meeting or 13 what that event was. 14 Q. And you see in your -- in your e-mail, you 15 reference the historical information for 2017, 2018 and 16 all of the 2019 detailed info. Do you see that? 17 A. I do, yes. 18 Q. And before lunch, you talked about how you 19 would have gone about gathering historical information 20 on these scores. Would you have done the same thing 21 here? So how would you have gathered that historical 22 information in this -- in this context? 23 A. Yeah, looked at previous presentations or in 24 our SharePoint. 25 Q. I think we can put that one aside.</p> <p style="text-align: center;">87</p>
<p>1 document, it says: A possible mad experiment. 2 After looking over the e-mail that you 3 sent and the attachment, do you know why you would 4 referred to this as a possible mad experiment? 5 A. No, I don't know. I don't remember. 6 Q. And having reviewed this document, you're 7 sending this to -- to Tim Brown and to Rani Johnson. 8 Can you explain what you're asking them to do here? 9 A. I was asking them to score the risk assessment 10 or the risk scorecard independently. 11 Q. And when you say "independently," what do you 12 mean? 13 A. Each had a file, so for each of them to fill 14 it out on their own. 15 Q. And when you say "each of them," are you 16 referring to Mr. Brown and Ms. Johnson? 17 A. Correct. 18 Q. And how is this different than what you had 19 previously done? 20 A. I don't remember how it was done every single 21 time, but based on this e-mail, this was just having 22 them each complete a scorecard. 23 Q. And there's a reference in the first sentence 24 to the security and compliance QBR. What's the security 25 and compliance QBR?</p> <p style="text-align: center;">86</p>	<p>1 (Exhibit 9 was marked for identification.) 2 BY MR. CARNEY: 3 Q. So, Ms. Pierce, I've handed you what's been 4 marked as Exhibit 9, and the first page of this has the 5 Bates stamp SW-SEC00015235. And the top e-mail on here 6 is a September 19th, 2019 e-mail from Kellie Pierce to 7 Eric Quitugua. 8 Do you recognize this document? 9 A. Yes. 10 Q. And what is this? What is this document? 11 MR. TURNER: The attachment or the 12 e-mail? 13 MR. CARNEY: Let's start with the e-mail. 14 BY MR. CARNEY: 15 Q. What's -- what's the e-mail? 16 A. The e-mail is to Eric providing him the 17 summary of the week self-assessment. 18 Q. And you'll notice there's an e-mail below that 19 September 18th to -- from you to Rani Johnson and Tim 20 Brown, subject: SWICUS security risk assessment. 21 Can you tell me what the purpose of that 22 e-mail to Mr. Brown and Ms. Johnson was? 23 A. To provide -- to let them know I was working 24 with Eric and Nelson on the SWICUS self-assessment and 25 identifying some of the areas that were marked red by</p> <p style="text-align: center;">88</p>

<p>1 the -- or marked -- sorry -- yellow by the document</p> <p>2 authors.</p> <p>3 Q. When you say "marked yellow," how do you know</p> <p>4 it was ones that were marked yellow?</p> <p>5 A. They were the -- the ones either blank or</p> <p>6 no -- answered in no.</p> <p>7 Q. And you're talking about -- you're referring</p> <p>8 to the attached spreadsheet?</p> <p>9 A. Correct, yes.</p> <p>10 Q. And so yellow would just indicate either a no</p> <p>11 or a no answer; is that right?</p> <p>12 A. That is correct.</p> <p>13 Q. And is the Eric that's referred to here</p> <p>14 Mr. Quitugua?</p> <p>15 A. Eric Quitugua, yes.</p> <p>16 Q. How do you pronounce it?</p> <p>17 A. Quitugua.</p> <p>18 Q. All right.</p> <p>19 And who is Nelson?</p> <p>20 A. I don't remember his last name, but he worked</p> <p>21 on Eric's team.</p> <p>22 Q. And that's the I think you said security team,</p> <p>23 right?</p> <p>24 A. Security team, yes. Security operations team.</p> <p>25 Q. And what is SWICUS?</p> <p style="text-align: center;">89</p>	<p>1 MR. TURNER: Objection to form,</p> <p>2 mischaracterizes testimony.</p> <p>3 A. Could you repeat your question just one more</p> <p>4 time?</p> <p>5 BY MR. CARNEY:</p> <p>6 Q. Sure.</p> <p>7 I'm trying to understand you -- whether</p> <p>8 the self-assessments that you're circulating for the</p> <p>9 engineering groups to perform, whether those were</p> <p>10 supposed to be done under a NIST framework or not?</p> <p>11 MR. TURNER: Objection, foundation.</p> <p>12 A. I don't know.</p> <p>13 BY MR. CARNEY:</p> <p>14 Q. Okay. The attached spreadsheet, would you</p> <p>15 have had any role in preparing it?</p> <p>16 A. This particular...?</p> <p>17 Q. Yes.</p> <p>18 A. No.</p> <p>19 Q. Okay. And if you look -- if you look at the</p> <p>20 spreadsheet under -- the first page of the spreadsheet,</p> <p>21 under Document Author, it says Fredrik Skogman and Mark</p> <p>22 Martin. Do you know who they are?</p> <p>23 A. Yes.</p> <p>24 Q. Who are they?</p> <p>25 A. Engineers that worked on the SWICUS.</p> <p style="text-align: center;">91</p>
<p>1 A. SWICUS is some type of application that was</p> <p>2 developed within -- within SolarWinds.</p> <p>3 Q. And do you know what it's an application for?</p> <p>4 A. I don't remember.</p> <p>5 Q. Is it an application for internal use or is it</p> <p>6 a product that's sold to customers?</p> <p>7 MR. TURNER: Objection, foundation.</p> <p>8 A. I don't know. I don't know.</p> <p>9 BY MR. CARNEY:</p> <p>10 Q. And so if you look at -- do you know what --</p> <p>11 just let me -- just to close the loop on it, do you know</p> <p>12 what the SWICUS self-assessment is, what that means?</p> <p>13 A. The self-assessment was sent to various</p> <p>14 engineering groups for them to perform a self-assessment</p> <p>15 before they -- as they developed an application or made</p> <p>16 a change to an application. So any change, they would</p> <p>17 receive these self-assessments, and then they would --</p> <p>18 the tech team would fill it out.</p> <p>19 Q. And does the self-assessments that you're</p> <p>20 describing, does it relate at all to the NIST framework</p> <p>21 that we talked about?</p> <p>22 A. Oh, I don't know how it relates to NIST.</p> <p>23 Q. But you don't -- the assessment that you're</p> <p>24 asking them to perform, you don't know if that's done</p> <p>25 under a NIST framework or not?</p> <p style="text-align: center;">90</p>	<p>1 Q. Okay. All right. In your e-mail, so for back</p> <p>2 on the first page, your e-mail to Ms. Johnson and</p> <p>3 Mr. Brown, you have a bulleted list of deficiencies that</p> <p>4 you identified. Do you see that?</p> <p>5 MR. TURNER: Objection to form.</p> <p>6 A. I do see the list, yes.</p> <p>7 BY MR. CARNEY:</p> <p>8 Q. Okay. And so first of all, why were these</p> <p>9 deficiencies being identified?</p> <p>10 A. As Fredrik or Martin completed the</p> <p>11 self-assessment, they identified these areas with --</p> <p>12 with a no or left it blank, so it didn't meet the -- it</p> <p>13 didn't meet the security requirement that was listed.</p> <p>14 Q. All right. And in terms of the -- we don't</p> <p>15 have to go through all the specific bullets underneath</p> <p>16 there, but would you have played any role in identifying</p> <p>17 these bulleted deficiencies that are listed here?</p> <p>18 A. No. I'm just summarizing in the e-mail what</p> <p>19 was on the self-assessment.</p> <p>20 Q. Okay. So for -- and I'll just use one example</p> <p>21 then. So under -- at the top where it says: User</p> <p>22 access management. And then it says: Account</p> <p>23 management. The first sub-bullet says: Local</p> <p>24 administer rights are not prohibited nor tracked.</p> <p>25 First of all, do you know what that means?</p> <p style="text-align: center;">92</p>

<p>1 A. Not from a technical perspective, no.</p> <p>2 Q. Do you know from a nontechnical perspective?</p> <p>3 MR. TURNER: Object to the form.</p> <p>4 A. No.</p> <p>5 BY MR. CARNEY:</p> <p>6 Q. Okay. And so I guess back to my original</p> <p>7 question, so the -- so using that as an example, is that</p> <p>8 something that Mr. Skogman and Mr. Martin would have</p> <p>9 identified in the spreadsheet and then you put that into</p> <p>10 the e-mail?</p> <p>11 MR. DRAKELEY: Object to form.</p> <p>12 A. Fredrik or Martin would have identified this,</p> <p>13 and then I just summarized it in the e-mail.</p> <p>14 BY MR. CARNEY:</p> <p>15 Q. So for these deficiencies that you've</p> <p>16 identified in this e-mail, did you perform any technical</p> <p>17 assessment?</p> <p>18 A. No.</p> <p>19 Q. Why -- so why would you have been identifying</p> <p>20 these -- these deficiencies for Ms. Johnson and</p> <p>21 Mr. Brown in an e-mail like this?</p> <p>22 A. When an application -- or when a</p> <p>23 self-assessment was performed, the technical team would</p> <p>24 do the assessment. One of my roles was to manage the</p> <p>25 risk register, so we would -- we would want to capture</p> <p style="text-align: center;">93</p>	<p>1 BY MR. CARNEY:</p> <p>2 Q. And so is this SWICUS self-assessment, is this</p> <p>3 just one example of a number of these types of</p> <p>4 self-assessments that would have been done?</p> <p>5 A. Yes, I believe so.</p> <p>6 Q. And so anytime one of these self-assessments</p> <p>7 was done, would that information then be added to the</p> <p>8 risk register?</p> <p>9 A. I'm not sure that every self-assessment was</p> <p>10 added, but that was the practice for this self-assess --</p> <p>11 any issues with the self-assessment that needed</p> <p>12 remediation to be tracked to completion.</p> <p>13 Q. And were the self-assessments, were they done</p> <p>14 on a sort of companywide basis?</p> <p>15 MR. TURNER: Object to form, foundation.</p> <p>16 A. Yeah, I don't know.</p> <p>17 BY MR. CARNEY:</p> <p>18 Q. And I'll try to ask it a little better.</p> <p>19 What type of -- of products within</p> <p>20 SolarWinds would a self-assessment be done on?</p> <p>21 A. I'm not -- I don't know.</p> <p>22 Q. If -- so if you look at the title of the --</p> <p>23 the attachment, it refers to access control</p> <p>24 self-assessment. Do you see that?</p> <p>25 A. I do, yes.</p> <p style="text-align: center;">95</p>
<p>1 areas of concern or areas of risk deficiencies so that</p> <p>2 we could track those and then make sure that they were</p> <p>3 remediated.</p> <p>4 Q. And what would you -- what -- well, first of</p> <p>5 all, let me ask you, what was your role in making sure</p> <p>6 that they were remediated?</p> <p>7 A. Tracking only. I would add it to the -- add</p> <p>8 it to the log, put a date, a due date, and then circle</p> <p>9 back with the individuals to see if they had completed</p> <p>10 it or not.</p> <p>11 Q. And you would -- you were the one responsible</p> <p>12 for maintaining the risk register, though?</p> <p>13 A. I don't recall if I had ultimate</p> <p>14 responsibility. I think Eric also had the ability to</p> <p>15 add to the risk register as well.</p> <p>16 Q. And was there someone that was responsible for</p> <p>17 making sure that the items on the risk register were</p> <p>18 remediated?</p> <p>19 A. We -- the risk register was frequently</p> <p>20 reviewed with Tim, Tim Brown.</p> <p>21 Q. And did you have an understanding as to</p> <p>22 whether Mr. Brown was responsible for making sure the</p> <p>23 items on the risk register were remediated?</p> <p>24 MR. TURNER: Object to form.</p> <p>25 A. I don't know.</p> <p style="text-align: center;">94</p>	<p>1 Q. So when it says -- when it says "access</p> <p>2 control," is that referring to access control at</p> <p>3 SolarWinds generally?</p> <p>4 MR. TURNER: Objection to form and</p> <p>5 foundation.</p> <p>6 A. I don't know.</p> <p>7 BY MR. CARNEY:</p> <p>8 Q. Okay. And I'm trying to understand if the</p> <p>9 self-assessments are limited to products that SolarWinds</p> <p>10 was putting out or were there self-assessments of</p> <p>11 security at large?</p> <p>12 A. I don't know how those self-assessments were</p> <p>13 handed out or who they were assigned to or when, so I'm</p> <p>14 not -- I don't know.</p> <p>15 Q. Okay. If you would please flip over to the</p> <p>16 second page of Exhibit 9, there is a -- see the little</p> <p>17 chart, the summary of security controls?</p> <p>18 A. Yes.</p> <p>19 Q. And is that summary, is that related</p> <p>20 specifically to SWICUS?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And how would -- how did you go about</p> <p>23 calculating the -- the number of controls that were not</p> <p>24 met? Is that just based on the spreadsheet?</p> <p>25 A. Yes.</p> <p style="text-align: center;">96</p>

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<p>1 Q. Sure.</p> <p>2 So when you put together the spreadsheet</p> <p>3 that's in Exhibit 4 and added your column with your</p> <p>4 notes, that information was accurate to your</p> <p>5 understanding at the time that you added those notes,</p> <p>6 right?</p> <p>7 MR. TURNER: Same objection.</p> <p>8 A. Yes.</p> <p>9 BY MR. CARNEY:</p> <p>10 Q. And the sort of technical information in</p> <p>11 Exhibit 4 was based on information provided to you by</p> <p>12 engineers within SolarWinds, right?</p> <p>13 MR. TURNER: Object to form.</p> <p>14 A. There -- repeat it one more time.</p> <p>15 BY MR. CARNEY:</p> <p>16 Q. Sure.</p> <p>17 The technical information in the</p> <p>18 spreadsheet in Exhibit 4 was based on information that</p> <p>19 was provided to you by SolarWinds' engineers, right?</p> <p>20 A. Product managers commented on each control.</p> <p>21 Q. Okay.</p> <p>22 A. I don't know that there was a technical</p> <p>23 assessment performed.</p> <p>24 Q. Okay. And when the product managers</p> <p>25 provided you that information, did you have any reason</p> <p>133</p>	<p>1 FURTHER EXAMINATION</p> <p>2 BY MR. TURNER:</p> <p>3 Q. Do you know whether the information in your</p> <p>4 notes was accurate or was it a best guess based on your</p> <p>5 limited knowledge?</p> <p>6 MR. CARNEY: Objection, leading.</p> <p>7 A. It was my best guess based on my understanding</p> <p>8 of the criteria.</p> <p>9 MR. TURNER: No further questions.</p> <p>10 MR. CARNEY: Nothing further, thank you.</p> <p>11 THE VIDEOGRAPHER: Before we go off,</p> <p>12 would you guys like a copy of the video?</p> <p>13 MR. TURNER: Yes, please.</p> <p>14 THE REPORTER: And the transcript as</p> <p>15 well?</p> <p>16 MR. TURNER: For sure.</p> <p>17 THE REPORTER: Yeah. Okay.</p> <p>18 THE VIDEOGRAPHER: We're off record at</p> <p>19 3:10 p.m.</p> <p>20 (Sotto voce conversation.)</p> <p>21 THE REPORTER: You're saying that you do</p> <p>22 want her to read and sign it?</p> <p>23 MR. TURNER: Yeah, I'm sorry.</p> <p>24 MR. DRAKELEY: Yeah, I would prefer her</p> <p>25 to read and sign. And sign in front of a notary is</p> <p>135</p>
<p>1 to doubt the accuracy at the time the spreadsheet was</p> <p>2 prepared?</p> <p>3 A. No.</p> <p>4 Q. And in the notes section that you added to the</p> <p>5 spreadsheet, you tried to include the most accurate</p> <p>6 information available to you at the time, right?</p> <p>7 MR. TURNER: Object to form.</p> <p>8 A. This information is, you know, based on my</p> <p>9 experience with the audits. So this was based on my</p> <p>10 understanding, my limited knowledge about the entire</p> <p>11 company. It wasn't looking at the entire company. We</p> <p>12 were just looking at these four products in this quick</p> <p>13 preliminary assessment.</p> <p>14 BY MR. CARNEY:</p> <p>15 Q. Okay. And just to clarify, if you knew</p> <p>16 information was inaccurate, you would not have included</p> <p>17 it in Exhibit 4, right?</p> <p>18 A. Correct.</p> <p>19 MR. TURNER: Object to form.</p> <p>20 A. Correct.</p> <p>21 MR. CARNEY: All right. That's all I</p> <p>22 have. Thank you.</p> <p>23 MR. TURNER: I'll have just a couple</p> <p>24 follow-ups.</p> <p>25</p> <p>134</p>	<p>1 fine?</p> <p>2 THE REPORTER: Yes. And I'm making a</p> <p>3 rough draft. Do you guys need a copy of that?</p> <p>4 MR. DRAKELEY: I do not.</p> <p>5 MR. TURNER: Sure. Please.</p> <p>6 (Ending time: 3:10 p.m.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>136</p>

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<p>1 DEPONENT'S DECLARATION UNDER PENALTY OF PERJURY</p> <p>2</p> <p>3 I, KELLIE JAIE PIERCE, do hereby declare under</p> <p>4 penalty of perjury that I have read the entire foregoing</p> <p>5 transcript of my deposition testimony, or the same has</p> <p>6 been read to me, and certify that it is a true, correct</p> <p>7 and complete transcript of my testimony given on</p> <p>8 July 24, 2024, save and except for changes and/or</p> <p>9 corrections, if any, as indicated by me on the attached</p> <p>10 Errata Sheet, with the understanding that I offer these</p> <p>11 changes and/or corrections as if still under oath.</p> <p>12 ____ I have made corrections to my deposition.</p> <p>13 ____ I have NOT made any changes to my deposition.</p> <p>14</p> <p>15 Signed: _____</p> <p style="padding-left: 40px;">KELLIE JAIE PIERCE</p> <p>16</p> <p>17 Dated this ____ day of _____, 20____.</p> <p>18</p> <p>19</p> <p>20</p> <p>21 SUBSCRIBED AND SWORN BEFORE ME</p> <p>22 THIS ____ DAY OF _____, 20____.</p> <p>23 _____</p> <p>24 (Notary Public) My Commission Expires: _____</p> <p>25</p> <p style="text-align: center;">137</p>	<p>1 CERTIFICATE OF SHORTHAND REPORTER</p> <p>2</p> <p>3 I, April Brunson, Certified Shorthand</p> <p>4 Reporter in and for the State of Texas, do</p> <p>5 hereby certify:</p> <p>6</p> <p>7 That the foregoing proceedings were</p> <p>8 taken before me at the time and place herein</p> <p>9 set forth; that any witnesses in the foregoing</p> <p>10 proceedings, prior to testifying, were duly</p> <p>11 sworn by me; that a verbatim record of the</p> <p>12 proceedings was made by me using machine</p> <p>13 shorthand to the best of my ability, which was</p> <p>14 thereafter transcribed under my direction; that</p> <p>15 the foregoing transcript is a true record of the</p> <p>16 testimony given.</p> <p>17</p> <p>18 Further, that if the foregoing pertains</p> <p>19 to the original transcript of a deposition in</p> <p>20 a Federal Case, before completion of the</p> <p>21 proceedings, review of the transcript</p> <p>22 _X_ was/____ was not requested and reserved.</p> <p>23</p> <p>24 I further certify I am neither financially</p> <p>25 interested in the action nor a relative or employee</p> <p style="text-align: center;">139</p>
<p>1 ERRATA SHEET</p> <p>2 Deposition of: KELLIE JAIE PIERCE</p> <p>3 Date taken: JULY 24, 2024</p> <p>4 Case: SEC VS. SOLARWINDS CORP., ET AL.</p> <p>5 PAGE LINE</p> <p>6 ____ CHANGE: _____</p> <p>7 REASON: _____</p> <p>8 ____ CHANGE: _____</p> <p>9 REASON: _____</p> <p>10 ____ CHANGE: _____</p> <p>11 REASON: _____</p> <p>12 ____ CHANGE: _____</p> <p>13 REASON: _____</p> <p>14 ____ CHANGE: _____</p> <p>15 REASON: _____</p> <p>16 ____ CHANGE: _____</p> <p>17 REASON: _____</p> <p>18 ____ CHANGE: _____</p> <p>19 REASON: _____</p> <p>20 ____ CHANGE: _____</p> <p>21 REASON: _____</p> <p>22</p> <p>23</p> <p>24 Signed _____</p> <p>25 Dated _____</p> <p style="text-align: center;">138</p>	<p>1 of any attorney of a party to this action.</p> <p>2</p> <p>3 IN WITNESS WHEREOF, I have this date</p> <p>4 subscribed my name : August 5, 2024.</p> <p>5</p> <p>6 _____</p> <p>7 April R. Brunson</p> <p>8 Texas CSR No. 7495</p> <p>9 Expiration Date: 4/30/2026</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">140</p>